



October 2014 No 815

## FAR RIGHT FOCUS - Australia



JEREMY  
JONES

SYDNEY

### Under Privilege

**T**O receive an invitation to give testimony at a hearing of a Parliamentary Committee is an honour granted to a select few among those who make submissions to the many inquiries the parliament conducts annually.

Once at a hearing, members of the public receive elevation, if temporarily, into the ranks of those covered by "parliamentary privilege", which is designed to allow a freer exchange than is generally available, given the everyday restrictions on free speech members of the public encounter daily, due to laws governing behaviour such as libel, defamation and threats to public safety. Under privilege, at the Senate's Legal and Constitutional Legislation Committee's recent hearings into the Racial Hatred Bill 1994, Senators heard from a range of legal experts, civil libertarians and prominent members of peak ethnic and ethno-religious bodies. In Melbourne, they also heard two witnesses associated with extreme right-wing bodies with no substantial numerical following and with nothing intelligent to say.

Geoffrey Muirden, the Secretary of the deceptively named Holocaust-denial outfit "Australian Civil Liberties Union" (ACLU), gave sworn testimony that "similar legislation in overseas countries has been used selectively against the white race and against the Anglo-Saxons".

Describing the Nazi apologists who indulge in pseudo-historical rewriting of the Holocaust as "scholars who have an interest in establishing the truth about World War II", he claimed that the accusation that such people are "anti-Semites" is "a pure gimmick to suppress free speech".

Mr Muirden, who this time last year was mimicking Malaysian claims that the film "Schindler's List" was anti-German propaganda, made clear his low opinion of "the Jews". "The Jews do not like what [David Irving] says", the ACLU representative commented, as if for a moment the Senators present would have thought "the Jews" would enjoy the group libel of Holocaust denial. He even had a solution for racism which did not include the introduction of laws, saying "the Jews" should "meet the revisionists in open

debate."

Floundering in the face of criticism from both supporters and opponents of the legislation, Mr Muirden awaited the arrival of his more verbose colleague, Nigel Jackson.

When Mr Jackson arrived, he described himself not only as "a teacher and a writer" but as "a representative of a long tradition of writers who have striven to defend intellectual freedom", linking himself with some of the giants of world literature.

Mr Jackson's magnum opus is the

### THE CASE FOR DAVID IRVING



The selective censorship of history and free speech.

by NIGEL JACKSON

A Nigel Jackson Classic  
unintentionally comic "The Case for David Irving" and it is interesting to ponder what George Orwell, James Joyce, Mikhail Bulgakov, D. H. Lawrence or the others would make of this pretender to their mantle, who is also a sometime correspondent for "Spearhead", the journal of the extreme right-wing British National Party.

Unless his Irving volume wins one of the plethora of prizes for fiction for which

it is no doubt eligible, this hearing is likely to be the high point of Mr Jackson's public recognition.

Recognising this, he seized the moment, thundering (under privilege) that "Jewish Zionist influence on our national politics has become excessive and needs to be curbed".

Warming to his theme, he told the Senators that there appears to be "a world wide campaign to inhibit as much as possible the expression of certain controversial views on various topics associated with race" including "the degree of Jewish influence in national and international politics", prompting one participant to comment that he personally had "never been before a Senate committee and listened to something which is really straight out of the Protocols of the Elders of Zion", and another to remind the chair that he was "here to talk about this bill and not the international Zionist conspiracy".

In what may have at first glance appeared to be a change of heart, Mr Jackson poetically exclaimed "a hell of a lot of work has to be done in order to reverse stereotypes". He then complained that he had "made a number of points which have certainly not been answered by anyone here", but "people have gone merrily along their way using the old stereotypes that I have queried".

A week earlier, in Canberra, John McNicol, the National Coordinator of the Network for Christian Values, incorrectly stated that "those from the Jewish background...and not others" were mentioned as concerned ethnic groups in the second reading of the Government Bill.

This "privileged testimony" is, of course, incorrect, as the second reading speech included references to the findings of the Royal Commission into Aboriginal Deaths in Custody, to disruption of public gatherings of ethnic communities and to teenage gangs targeting Australians of Asian background.

Having made this comment, McNicol felt it necessary to tell the Committee that "we have no anti-Semitic interest whatsoever", a disclaimer neither of the Tweedledum nor Tweedledee of anti-Jewish rhetoric in Melbourne bothered to include in their testimony.

During the course of the hearings, there was much useful and intelligent discussion of the philosophy, pragmatism and appropriateness of legislation in principle and the government's Bill in detail, but the curious decision to invite eccentrics and extremists wasted some of the valuable, already limited, time available to those entrusted with making recommendations to their parliamentary colleagues.



In 1995, with the Internet just starting up, strategists ensured that any future Senate enquiry into the Racial Discrimination Act's amendments would from then on exclude Revisionists from attending such hearings. Note the Senate enquiry on Section 18C, RDA, excluded even mentioning submissions made by individuals such as Fredrick Toben - 16 December 2012/27 January 2013, and listed them as *confidential*, while those made by Jewish organisations were publicised. The submission made to the Attorney-General on [14 April 2014](#), likewise, remains unpublished. Why?



David Irving



Adolf Hitler



Salman Rushdie



Pol Pot

# Public protection or propaganda?

**S**HOULD David Irving, the controversial British historian who has questioned the extent of Nazi Germany's persecution of Jews and comforted the no-gas-chambers-at-Auschwitz brigade, be allowed to lecture in Australia?

Recently, a full bench of the Federal Court said "no". In yet another round of a battle that has been going on for almost four years, the court dismissed an appeal by Irving against former immigration minister Nick Bolkus' refusal of a visa.

Increasingly the argument has turned on whether Irving, who denies he is anti-semitic, is or is not "of good character" within the prerogatives of the Immigration Department.

Few will doubt, however, that the real issues are freedom of speech and to what extent a community, or a section of a community, should be protected from views, words or actions that it finds hurtful or offensive.

I write this as a true believer. That is, I have never once doubted that Nazi Germany set out to inflict the most gruesome horrors on European Jewry and went about it in a methodical and vicious way.

Were all those photos of starved and twisted



MICHAEL BARNARD

corpses, all those survivor testimonies, phony? And if they were not, could it be, as Irving concluded from his research for *Hitler's War*, that the Führer knew little or nothing of the slaughter carried out in his name?

Nor does my grievance end there. Irving, for instance, has projected some staggeringly unkind images of Churchill and in his latest book, *Goebbels*, apparently draws (in a specific instance) a sort of moral equivalence between Hitler's twisted flunkey and the British wartime leader.

For this, a reviewer remarked in *The Spectator* magazine, "Mr Irving ought to be horsewhipped ...", adding, "whipped, not censored" (my emphasis).

But here the coin flips. The same reviewer, far from alone, acknowledges Irving to be "a scholar of distinction" for his diligent unravelling of German archives.

Is it wise, then — or even fair — that a person of such standing be banned because his interpretation of history runs counter to that of most of us?

Holocaust revisionism and outright denial are facts of life. Acts that can be construed, or misconstrued, as censorship only feed the fire.

But more. The Irving episode highlights the inconsistency in Australia when it comes to honoring the sensitivities of communal groups.

**T**HE US academic Noam Chomsky, a man with Jewish roots, was allowed in (to speak on East Timor) yet he has been bitterly criticised in the Jewish press as a "defender of Holocaust and genocide deniers" and is even on record as claiming that denial of gas chambers and even of the Holocaust has "no anti-semitic implications".

THE same man was notorious for his minimisation of Pol Pot's genocide. How many Australian Cambodians would that offend?

Salman Rushdie, the author whose allegedly blasphemous book *The Satanic Verses* sent the Muslim world into uproar, was quietly allowed into Australia. Yet how many Mus-

lims here would have been deeply upset by knowledge of his presence?

But the single most vulnerable group in Australia today is that of the Christian traditionalist. Savage Scriptural and doctrinal revisionism, vilification, ridicule, you name it, anything goes. Sensitivities of the victims is not a consideration.

True, some of the problems come from within. But no difficulty with visas for, say, the radical US Bishop John Shelby Spong whose attempted dismantling of traditional Christian beliefs led one Sydney Anglican theologian to comment: "If this is Christianity I would prefer to be an agnostic or atheist."

Or consider Dr Barbara Thiering, our very own revisionist. Read her books and you will discover that Jesus did not perform miracles, did not die on the Cross, was married twice and had three children by Mary Magdalene.

How offensive do devout Christians find that? Imagine if Dr Thiering were an outsider. Would she have any difficulty getting a visa?

But I do get bewildered sometimes by what is to be regarded as sacrosanct in the public arena and what is not.

...but asking questions began much earlier...

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

20D-219

Department of Linguistics and Philosophy  
Cambridge, Massachusetts 02139

May 6, 1991

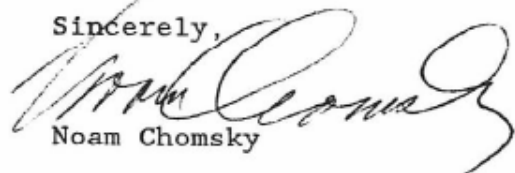
Dear Dr. Toben,

I'm afraid I do not know enough about John Bennett or Fred Leuchter to be able to comment on them, or on the material about them. I have never heard of Paul Gardner. As for Rubinstein, I had some correspondence with him once, parts of which he published in maliciously distorted form in Quadrant, as part of an exercise of deceit that would readily find its place in the annals of Stalinism. I responded to a few of his lies (there was no space to run through the rest), and I vaguely recall his responding with a whole host of new ones. Frankly, I don't pay much attention to the Stalinist-fascist fringe to which he belongs. I also looked at a book of his once, but don't remember much about it, except for a recollection that it didn't look serious enough to pursue.

On the matter of the Holocaust, while one can surely debate whether the number of Jews slaughtered by the Nazis was 5 million or 6 million, whether there were gas chambers at Dachau, etc., as is commonly done in the scholarly literature, I don't see any more credibility to the "revisionist" literature, insofar as I have any familiarity with it (which is not very much), than to other attempts to deny mass slaughter -- for example, the claims by some right-wing Zionists, associates of Rubinstein's I would guess, who publish articles in major Zionist journals saying that the Nazi genocide of Gypsies is an exploded fantasy. But I do not think that Professor Edward Alexander, who writes this disgusting garbage, should be subject to legal action or other persecution, nor should the journal in which he writes it be censored. The same is true of those who deny other atrocities, of whom there are many, for example, the right-wing US scholars and journalists who downplay the atrocities of Pol Pot, as the CIA did.

People can question anything they like, whether of history, the natural sciences, or whatever, and they should do it with impunity. That is the essence of freedom of speech. Beyond that, one evaluates what they say, and if it passes beyond reasonable belief, why they say it. So, for example, I think it is fair to ask why Zundel writes what he does (if anyone is interested; I am not) or why Rubinstein writes what he does (again, if one is interested; I am not).

Sincerely,



Noam Chomsky

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**Who is the Executive Council of Australian Jewry?**

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## **Annexure to Witness Statement by Jeremy Jones**

### **Executive Council of Australian Jewry**

The Executive Council of Australian Jewry has served as the elected representative organisation of the Australian Jewish community, since its formation in 1944. Its objects are:

- (a) To represent and speak officially on behalf of Australian Jewry
- (b) To take such action as it considers necessary on behalf of Australian Jewry in matters that concern Australian Jewry or Jewry in other parts of the world.
- (c) To support and strengthen the connection of Australian Jewry with the State of Israel

The Council's Constituents are the roof bodies of Jewish communities in Victoria, New South Wales, Western Australia, Queensland, South Australia, Tasmania and the Australian Capital Territory. The Council's Affiliates are the six major national Jewish membership organisations. Non-voting Observer organisations are the Zionist Federation of Australia, B'nai Brith Australia and the New Zealand Jewish Council. Honorary Life Members, with voting rights, are appointed from time to time. Convenors of policy committees and consultants appointed by the Council participate in meetings, but do not have voting rights.

The presidency rotates between Sydney and Melbourne after each two or three year presidential term.

The ECAJ is the Australian affiliate of the World Jewish Congress, the Commonwealth Jewish Council and the Asia/Pacific Jewish Association. It is a full voting member of the Conference on Material Claims Against Germany and the Memorial Foundation for Jewish Culture. It participates in Department of Foreign Affairs and Trade meetings of Human Rights NGOs.

### **The New South Wales Jewish Board of Deputies**

The NSW Jewish Board of Deputies has served as the official roof-body of the Jewish community in New South Wales since its formation in 1945. It mirrors the functions of the ECAJ on the state level. It has sixty-one Affiliates.

### **The Australia/Israel & Jewish Affairs Council**

The Australia/Israel & Jewish Affairs Council is a national, independent think-tank formed in 1997 as the successor organisation to Australia/Israel Publications and Australia/Israel Publications (Sydney). It aims to encourage informed debate on Israel, the Middle East and all matters of concern to the Jewish community. It publishes Australia/Israel Review, hosts visiting speakers, contributes articles to newspapers, magazines and journals, provides expert commentary to the news media, and serves as a resource to researchers and academics.

It consists of a national Board of Directors, a national policy chairman and professional staff in offices in Melbourne and Sydney.

...and then it began in 1998 in Tasmania...

November 14, 1998 THE SATURDAY MERCURY 5

# Jewish hatred case set to begin

By GEORGIA WARNER

FOR more than eight years Olga Scully has walked the streets of Launceston, filling letterboxes with pamphlets that describe Jews as leeches and vipers who use predatory tactics to destroy white civilisation.

The leaflets also deny the Holocaust took place.

It is a campaign the Russian-born Mrs Scully estimates has cost her many thousands of dollars, not to mention an extraordinary amount of time.

Sometimes she even makes tapes and videos with similar themes and drops them into letterboxes at random.

On Monday Mrs Scully, 56, will become the first Tasmanian to face the federal Human Rights Commission as it begins public hearings into allegations by the state's Jewish community that she has breached anti-discrimination legislation.

It is one of a handful of racial hatred complaints that have not been settled by conciliation since a new federal anti-discrimination Act was introduced in October 1995.

The most recent case involved accusations that Frederick Toben, from a group known as the Adelaide Institute, distributed anti-Semitic material on the Internet.

The commission heard Mr Toben's website had published denials the Nazis killed Jews during World War II, and material which blamed Jews for the crimes of Stalin.

Mr Toben walked out of the hearing when he asked the commissioner if "truth was a defence".

The commissioner is still to hand down his findings.

Mr Toben will act as Mrs Scully's advocate in Launceston next week.

That Mrs Scully distributed the thousands of pamphlets, videos and tapes, and also sold anti-Jewish material from a market stall, is not in dispute, say Mrs Scully and the Executive Council of Australian Jewry, which lodged the complaint against her early in 1996.

Council executive vice-president Jeremy Jones will allege the material breaches the Racial Discrimination Act.

The Act prohibits public activities that are "reasonably likely to offend, insult, humiliate or intimidate another person or group of people because of the race colour, or national or ethnic origin of the other person or some or all of the people in the group".

If the Human Rights Commissioner agrees, Mr Jones said he would seek recommendations that Mrs Scully stop distributing her pamphlets and other material and also that she publicly apologise to Tasmania's Jewish community.

Mrs Scully does not expect the case to take up much of the four days which have been allocated for the hearings.

"I will tell the commission that my right to freedom of speech was not given to me by them, nor can they take it away," she said.

"I will also be arguing that my being genuine in my beliefs exonerates me and that what I am doing is for academic and educational purposes," she said.

The hearings begin in Launceston's Henty House at noon on Monday.

# Vilification charge against Adelaide Institute website

LEORA MOLDOFSKY

THE Human Rights and Equal Opportunity Commission last week heard the first human rights case alleging racial vilification on the Internet to be heard in Australia. The complaint was lodged more than two years ago by the Executive Council of Australian Jewry against the Adelaide Institute.

Submitted by ECAJ executive vice-president Jeremy Jones in May 1996, the complaint alleged that information published on the Adelaide Institute's website breached Section 18C of the Racial Discrimination Act 1975.

"The Adelaide Institute has published material which constitutes malicious anti-Jewish propaganda," according to the ECAJ submission.

"Not only does the home page contain denial of the Nazi genocide of the Jews and blames Jews for the crimes of Stalin but, in other directories, material is reproduced which makes statements such as 'the well-connected Jewish lobby wants to signal to those who are aware of their various rackets and schemes, that if you cross them as an individual, or as a nation, then they will boycott, hound, persecute and ultimately punish you, using Gentile Government agencies and Gentile Taxpayers' money', and 'one day, in the not too distant future the tables might well have turned and the aroused Gentile world will mete out Justice and Vengeance'."

The site breached Section 18C of the Racial Hatred Act because it was a "public act" which was "reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people", and "is done because of the race, colour, national or ethnic origin of the other person or of some or all of the people in the group", the ECAJ submission alleged.

According to Mr Jones' witness statement, lodged with the Commission last November, "three different anti-Jewish slanders comprise the bulk of material on the site: Holocaust denial, the claim that there was a 'Bolshevik-Jewish Holocaust' and the depiction of the Talmud as a document which has resulted in Jews being unethical, anti-Christian and immoral".

But in his hearing submission, ECAJ barrister Stephen Rothman emphasised that "it is ludicrous to suggest that the Holocaust did not occur, and the tribunal has neither the power nor the will to determine such a question. The complaint before the tribunal is not about the Holocaust. It is about the imputation about Jews, embodied in the website,

that they as a group are involved in conduct that on any reasonable analysis is reprehensible."

Among the claims set out on the Adelaide Institute website documented by the ECAJ are that the Holocaust is an "allegation" levelled by "defamers and libellers", that the "Bolshevik regime was created and sustained by Jews" and that the Talmud "condones lies ... brutality ... vile obscenities ... bestiality ... and sadistic killings of Christians".

"This continues the perpetuation of a stereotype which characterises Jews as being extorters of money, liars, evil, trying to control the world and overturn Western civilisation," Mr Rothman said.

"The level to which this sinks is difficult to describe. Suffice to say that it repeats accusations and libels that could only be quintessentially that which the racial vilification legislation is aimed at. The statements [on the website] are intended to be offensive, insulting, intimidating and humiliating about what is generally conceded to be areas of great sensitivity amongst those who are members of the Jewish ethnic group."

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*"The Adelaide Institute  
has published material  
which constitutes  
malicious anti-Jewish  
propaganda."*

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Asked by Commissioner Kathleen McEvoy about his initial reaction to the Adelaide Institute's website, Mr Jones said: "I first examined the site after complaints that it contained antisemitic material which was grossly offensive, insulting and defamatory began to be received by Jewish community organisations. I feel the material is not only an insult and an offence, but it potentially may cause many to act against myself, my family and members of the Jewish community."

Before the proceedings commenced, Adelaide Institute director Dr Fredrick Toben walked out in protest, claiming the hearing was "immoral. I cannot proceed with this hearing because if truth is no defence, the lie must prevail. We have an inquisition here."

Dr Toben also walked out of a prelim-



Jeremy Jones (centre) confers with legal counsel Stephen Rothman during the hearing. At left is Adelaide Institute director Dr Fredrick Toben.

inary hearing in September 1997 and withdrew from a public hearing scheduled for December 1997, claiming that the Institute would not receive "natural justice" if it continued.

But Mr Rothman and instructing solicitor Peter Wertheim (who is president of the NSW Jewish Board of Deputies) described Dr Toben's behaviour as a "stunt".

Speaking to the *Australian Jewish News* after the hearing, Mr Rothman said: "We had taken the view from his earlier behaviour that Dr Toben wanted a show trial. When he did not get one, it seemed he was going to utilise some stunt to withdraw from the proceedings so that he can allege bias, a lack of natural justice and unfairness."

"In fact, the tribunal has bent over backwards to be fair to the respondent and to give him every opportunity to make his case."

Mr Wertheim: "Dr Toben perhaps decided that discretion is the better part of valour. He did not wish to be examined by Steven Rothman as he is fully aware that he is unable to establish any defence available to him under the legislation."

Before leaving the hearing, Dr Toben tried to postpone the proceedings, claiming he had "substantial new evidence indicating that there were no gassings anywhere in Germany during the war".

The case was adjourned pending further legal submissions and a ruling by Commissioner McEvoy.

While the Commission's decisions are unenforceable, if both parties do not agree with its ruling, the case can be pursued in the Federal Court.



# Tassie woman calls for truth to be defence Walkout drama at race hatred hearing

By GEORGIA WARNER

A TASMANIAN woman accused of distributing anti-Semitic leaflets staged a dramatic walkout from Tasmania's first racial-hatred hearing before the Human Rights Commission yesterday.

Russian-born Olga Scully, 56, was appearing in the first hearing of its kind in Australia since the Federal Government adopted new anti-discrimination laws in 1995.

But the hearing — which had been expected to last five days — came to an abrupt halt when Mrs Scully walked out claiming the process was immoral and perverse because truth would not be accepted as a defence.

She was to have faced cross-examination into allegations she breached federal anti-discrimination laws by distributing unsolicited anti-Semitic material to private letterboxes in the Launceston area.

The tribunal heard leaflets distributed by Mrs Scully included claims that:

- The Port Arthur massacre was a Jewish conspiracy.
- Jews practised sodomy and had intercourse with babies.
- Society should not tolerate this "worse than Satanic cult they call Judaism".

Other information she had distributed, and which had been highlighted with pen, included claims that:

- Russian Jews controlled pornography.
- The Holocaust was a Jewish myth devised to fill Germans and Christians with guilt.
- Jews held an unnatural and violent hatred of Germans.

Two Launceston residents — one who survived the Holocaust and another who lived in Europe during World War II and who moved to Tasmania to escape the recent rise of neo-Nazism there — told the tribunal they had been deeply offended and upset by Mrs Scully's "hate-inciting material".

Hobart resident Tom Schlesinger also said the motivation behind Mrs Scully's campaign



Olga Scully and her advocate Dr Frederick Toben at yesterday's hearing. Pictures: DREW FITZGIBBON



Jeremy Jones: leaflet material offensive.

was similar to that of the perpetrators of the Holocaust, in which six million Jews died.

And Jeremy Jones, vice-president of the Executive Council of Australian Jewry, said the material was even more offensive in light of Australia's having the world's second highest per capita population of Holocaust survivors.

About 30 supporters of Mrs Scully gradually left the room after her dramatic departure which took place within five minutes of the opening of proceedings by Human Rights Commissioner Anthony Cava-

nough, QC. They had said a prayer before the proceedings got under way and said the Lord, not the commission, would be their judge.

"I had intended to fully participate in the hearing and had arranged for five witnesses to present facts and figures to prove the historical accuracy of my leaflets," Mrs Scully told the commission.

"But I have not brought these witnesses from Adelaide and Melbourne because I have not been given the assurance that truth is a defence in historical controversy.

"If truth is no defence, then the lies will continue to flourish."

Later, Mrs Scully and her advocate Dr Frederick Toben — who is at the centre of another Human Rights Commission case over allegations he distributed anti-Semitic material on the Internet — returned to the venue to disrupt a media conference with Mr Jones.

Dr Toben stood next to Mr Jones and chanted "Value truth, Jeremy" as the media attempted to interview him.

The complaint relates to material distributed by Mrs Scully in Launceston from October 1, 1995 to early 1996, although Mr

Jones told the commission material had been distributed before and after this time.

His solicitor Stephen Rothman argued the material breached federal anti-discrimination legislation because it was "reasonably likely ... to offend, insult, humiliate or intimidate another person or group of people because of race, colour or national or ethnic origin".

Launceston orthodontist Felix Goldschmid told the hearing he had received leaflets in his own letterbox and found them deeply offensive.

One leaflet, titled *Was there really a Holocaust?*, had been particularly upsetting because a number of members of his family were killed in Nazi concentration camps during World War II, Mr Goldschmid said.

"The material ... which I received personally, as did senior staff at work ... was obviously anti-Semitic and anti-Jewish," he said.

Another Launceston member of the Jewish community, George Hans Goldstein, told the commission he still suffered bouts of depression as a result of being in Europe at the time of the Holocaust.

He said he had been further depressed, disgusted and angered when he received Mrs Scully's leaflets.

He told the tribunal he had left Europe 15 years ago and moved to Tasmania in an attempt to escape a new wave of anti-Semitism there.

"It is inciting a hatred, and at the very least, a dislike of Jews," Mr Goldstein said.

Mrs Scully said in a press release she had a duty to make known the fact that "the Communist tyranny was inflicted on my people by Bolshevik Jews backed by Jewish bankers".

"The German people also receive endless denigration through brazen lies about gas chambers, gas ovens, extermination policies etc.

"I claim that what I say and do is done in good faith and must be tested for its truth."

The Human Rights Commission is not expected to make a finding into the case for at least a month.

Kathleen McEvoy, law lecturer at The University of Adelaide and acting HREOC Commissioner, refused my request to call overseas witnesses, including Prof Noam Chomsky and Professor Arthur Butz. Why?

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Arthur R. Butz  
2214 Central Street  
Evanston, Illinois 60201-5705

5 November 1997

Dr. Fredrick Toben  
PO Box 3300  
Norwood, 5067  
AUSTRALIA

Dear Dr. Toben:

I am writing to you in connection with what I understand of the charges being brought against you and the Adelaide Institute before your HREOC. You may use these remarks of mine as you wish. You may do likewise with the related letter I wrote to you on 17 August 1996.

My remarks are based mainly on my reading of your newsletter in hard copy. I seldom look at your Web site, but I have seen enough of it to know that the newsletter is representative.

Alas I must say that you are arguably guilty of some of the charges. I looked over Jeremy Jones' stuff and I infer that the "Racial Discrimination Act" proscribes what might "offend, insult, humiliate or intimidate another person or group of people." Well, revisionism certainly does the first three! It does not however "intimidate"; at least, I have never noticed such a case.

The law involved here seems to be one of those prohibitions, which I am seeing with increasing frequency, in which the ingredient of offense arises from the subjective reactions of people other than the alleged offender, who may even have self-serving reasons for their reactions. It is crazy law, which throws out the ancient principle that the accused must be judged by his actions and inferred intentions. Of course your political enemies can say, truthfully, that they are offended by your publishing activities. To bring charges against you for this is like putting Labour in the dock for offending the Conservatives.

I know that in your hearings the charge "likely to cause hate" will arise, and here too you are guilty, but in a sense that is perhaps too obvious for your critics to have noticed.

First let me apologize for using the word "cause". We have known ever since Hume that "cause" is a problematic concept even when applied to billiard balls. To apply it to social events is far more problematic.

In any case, I have observed a very strange thing happen when a charge of "likely to cause hate" is weighed. Namely, to ask whether certain publishing activities have in fact caused hate is viewed as impertinent. Somehow, the accusers believe that the charge should be weighed independently of observable effects of the target publication.

My Holocaust revisionist book "The Hoax of the Twentieth Century" was published more than 21 years ago. It has been surrounded by heated



controversy ever since. I have been in a privileged position to observe the reactions to my book and to other revisionist publications. Yet I do not know of a single case in which a person seemed to me to start hating Jews as a consequence of receiving revisionist arguments. If the experiences of so many years are irrelevant to weighing a charge of "likely to cause hate", then what does "likely" mean?

I can't say with absolute certainty that such people do not exist; even the Bible has been a notorious inspiration to hate. I am just saying that, in view of my privileged position for observation, such effects must be negligible if they exist at all. Also, I am aware that there are groups that make crude rhetorical attacks on Jews, but they existed long before Holocaust revisionism existed. If some of them have adopted revisionism, no causal or effecting relationship is demonstrated.

However I started talking about "hate" because I think that with certainty you have caused hate. Your enemies hate you because of what you have published. That is the irony revisionists face when the charge "likely to cause hate" is made. There has been loads of hate caused, but it has all come at us, not from us.

These remarks of mine should not be interpreted as justifying censorship when it can be shown that offense was intended or hatred of a criticized group or person resulted. Heated controversy is a price of open debate, the foundation of a rational society. It is demonstrable that the familiar "Holocaust" claims have caused hatred of Germans; must the claims therefore be suppressed? Must we stop talking about liberty, fraternity, and equality because of the French Revolution?

I just feel that it is necessary to clarify the senses in which you can be considered "guilty" of the charges being brought against you. To consider you and the Adelaide Institute offenders as a consequence of your publishing activities would be a miscarriage of justice and perversion of jurisprudence.

Best regards,



(Assoc. Prof. of Electrical & Computer Engineering;  
Northwestern University;  
Evanston, Illinois 60201;  
USA)

via air mail and e-mail.

Tasmanian race-hate hearing told:

# Woman spread vicious antisemitic material

LEORA MOLDOFSKY

LAUNCESTON: The distribution of material which denies the Holocaust and describes Judaism as a "satanic cult" and Jews as "alien leeches" involved in "destroying white Christian civilisation" violates Australia's racial hatred laws, a public hearing was told this week.

Lodged by the Executive Council of Australian Jewry against Tasmanian resident Olga Scully more than two years ago, the complaint was heard by the Human Rights and Equal Opportunities Commission at a Launceston government building.

Submitted by ECAJ executive vice-president Jeremy Jones in August 1996, the complaint alleged that Mrs Scully breached Section 18C of the Racial Discrimination Act 1975 by placing unsolicited antisemitic material in letterboxes of Jews and non-Jews in Launceston and by selling anti-Jewish material at a local market.

The case was also brought by three Tasmanian-based Holocaust survivors — ECAJ Tasmanian vice-president and Hobart Hebrew Congregation

president Tom Schesinger, Launceston Jewish community spokesperson George Goldsteen and orthodontist Dr Felix Goldschmied, who described the material distributed by Mrs Scully as "disgusting", "deeply offensive" and "hurtful".

*"I defend Germans  
from the lying,  
deceitful allegations  
about the gas chambers,  
gas ovens and  
extermination policies."*

"Many times I became depressed" because of "her concerted effort to spread hatred and dislike of Jewish people," Mr Goldsteen, who lost most of his family in the Holocaust, said. "I had the feeling that no matter how hard we try, there will always be people who accuse us.

It often becomes too much to bear."

Mrs Scully has "gone on the public record admitting that she has been distributing viciously anti-Jewish material as part of a campaign against Australian Jews", the ECAJ submission alleged. "It appears that this campaign constitutes a "public act" which is "reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or group of people", and is done because of the race, colour or national or ethnic origin of the other person or some or all of the people in the group".

Before proceedings commenced, however, Mrs Scully walked out in protest, claiming that the proceedings were immoral. "If truth is no defence, then lies will continue to flourish," she said.

Accompanying her was Adelaide Institute director Dr Fredrick Toben, who recently walked out of a hearing at the Commission's Sydney office against the Adelaide Institute, also lodged by the ECAJ.

To the applause of about 20 supporters, who had held a



Olga Scully

prayer meeting prior to the proceedings, the Russian-born Mrs Scully said: "I have a duty to make known that the Communist tyranny was inflicted on my people by Bolshevik Jews backed by Jewish bankers. I also defend Germans from the lying, deceitful

allegations about the gas chambers, gas ovens and extermination policies."

According to Mr Jones' witness statement, lodged with the Commission in May, "the material

*Continued on page 29*



# Tasmanian race hate hearing

*Continued from page 3*

disseminated by Olga Scully seeks to portray Jews as existential enemies of Christianity, identify Jewishness as an explanation for behaviour which was identified as corrupt, immoral, undesirable or anti-social, and promote anti-Jewish slanders in general.

"It is the contention of the complainants that the material clearly seeks to insult, offend and create ill-will towards individuals because they are Jewish. The reason it is being distributed is to identify Jews, because of their race, national or ethnic origin, as persons deserving of, at least, contempt, or at worst, annihilation."

Among the claims set out in the material distributed by Mrs Scully documented by the ECAJ are that the Holocaust is a "myth created by Jewish leaders for dubious political purposes", that pornography is a "totally Jewish controlled business in the US", that Judaism is a religion which promotes "sodomy and intercourse with babies", that "the international Zionists", identified as "this Jewish beast", "openly declared their intention of destroying white Christian civilisation", and that contemporary Jewry is due for a "terrible judgment" due to its descent from "esau-Edom" as against "the Anglo-Saxon-Celtic and related people", which the material claims are descended from Israel.

ECAJ barrister Stephen Rothman emphasised that "it is one thing to argue about what did or did not occur in the concentration camps. It is another to say that Jews perpetuate the myth of the Holocaust

for blatant political ends. By accusing Jews by virtue of belonging to that ethnic group of being dishonest, manipulative and part of a conspiracy to effect political control of the world, the material imputes conduct that is reasonably likely to offend, insult, humiliate and intimidate."

Asked by Commissioner Anthony Cavanough to describe the message he had received from the material distributed by Mrs Scully, Mr Jones said: "It puts forward an existential opposition between while Anglo-Saxon Christians and Jews and identifies any anti-social behaviours as deriving from Jews".

In a written submission dated May 1998, Hobart resident Mr Schlesinger, who runs a catering equipment business, said: "Among the literature that Olga Scully has sold and distributed are many allegations that Jewry deals in an underhand manner with other people and is not to be trusted. Although I do not live in Launceston, this type of vilification I find likely to affect my standing both as a businessman, as a private individual and as an office-bearer of the Jewish community".

The case was adjourned pending further legal submissions and a ruling by Commissioner Cavanough.

Speaking to the *Australian Jewish News* after the hearing, Mr Rothman said: "The testimony of three Holocaust survivors who are now living in Australia is especially moving in the context of this proceedings and no doubt will have a positive impact on the way in which anyone would treat the scurrilous material published by the respondent."

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Belinda Hollway  
Associate to the Hon Justice Branson  
21/ Law Courts Building  
Queens Square  
Sydney 2000

16 July 2002

Dear Associate

Would you kindly ask Her Honour whether I will be given an opportunity to reply to any material that may come her way as a result of her further initiated enquiry addressed to Mr Peter Wertheim.

As an aside, the reverse page features some items that indirectly comments on the material before Her Honour. It is an example of what the problem - literal and figurative meaning of words - brings with it. An imprudent application of the legal framework can stifle the creative impulse - of which Her Honour is naturally aware.

Sincerely

Fredrick Töben

PO Box 3300  
Norwood 5067

Copy: Mr Peter Wertheim

Director: Dr Fredrick Töben, PhD, MACE  
A/Director: Geoffrey Muiden, BA, BEd  
Sec./Treas: George Kausch, M.E.

Associates: Vic: M Hegazi, BSc, BEd  
Qld: Peter Rackemann  
NSW: James McGregor, BA(Hon)

SA: John Bayley  
NT: Bob Smith  
ACT: Richard Knege, BE(Elec)

WA: John Brown  
Tas: Olga Scully, TTC



# Race ruling delay



**Dr Fredrick Toben**

**FEDERAL** Court judge Justice Catherine Branson yesterday reserved her decision on whether to force a Holocaust revisionist to remove material from his website.

The material has already been found to breach racial vilification laws.

Adelaide Institute director Dr Fredrick Toben and the Executive Council of Australian Jewry have been locked in a legal battle in the Federal Court over Dr Toben's website.

The Jewish community is seeking an apology and the upholding of an order that Dr Toben remove offensive material from the site.

Council president

Jeremy Jones filed a complaint six years ago to the federal Human Rights and Equal Opportunities Commission. The commission ruled the material amounted to racial vilification and ordered an apology.

But Dr Toben claimed he already complied with the order to remove the material — a matter disputed by the Jewish community — and said he would not apologise.

The Jewish community applied for summary judgment after Dr Toben failed to mount a defence, claiming he could not obtain a lawyer for fear of the Jews.

...and ongoing...

The question to ask is why Toben was not permitted to call witnesses from overseas for his HREOC case and for the following Federal Court of Australia case. Professors Butz and Chomsky would have elaborated on the dangers to free expression by the legislation as enshrined in Section 18C.

Both Kath McEvoy and Catherine Branson blocked such a request – and Toben's option was to withdraw from such proceedings, as did also Olga Scully who found the whole proceedings to be highly immoral.

The subsequent hearings before Justice Lander in the FCA, and the appeal, had nothing to do with basic matter-of-fact matters, which had never been canvassed for truth-content. It was a matter of applying Section 18C of the RDA, but any judge not suffering from a failure of moral and intellectual nerve would have realized that 18C eliminates the defence of fair comment, as Olga Scully and Fredrick Toben experienced to their detriment. Legal aid to fight the case was refused, at both state and federal level, and the various judges happily awarded costs to the victors. Both Mrs Scully and Dr Toben were subsequently made bankrupt on account of the horrendous legal costs awarded against them for putting up a defence.

chomsky@MIT.EDU, 18:14 16/09/96 ED, free speech

X-POP3-Rcpt: fredadin@eden.adam.com.au  
Return-Path: chomsky@MIT.EDU  
From: chomsky@MIT.EDU  
To: fredadin@adam.com.au  
Cc: chomsky@MIT.EDU  
Subject: free speech  
Date: Mon, 16 Sep 1996 18:14:18 EDT

Dear Mr. Toben,

I am disturbed to learn that your website is being investigated by the Australian Human Rights Commission. The state should be accorded no right to determine what counts as permissible opinion, and to ban what does not accord with its dictates. That should be obvious, at least in a democratic society, I would think.

Sincerely yours,

Noam Chomsky

Printed for fredrick toben <fredadin@adam.com.au>

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...from Newsletter No 178, November 2002

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## **Conspiracy, coincidence, or merely bureaucratic stuff-up?**

### **Subtle Elimination Process**

**By Fredrick Töben 24 September 2002**

Throughout my wanderings I met a number of individuals who have impressed me by their candid, fearless and refreshingly honest approach to life. They had constructed for themselves a world view within which I could breathe easy. There was no envy, no excessive pursuit of any material possessions, but a determined will to see

that justice and mercy prevailed. They were no angels either, but they had not lost their humanity, something I find so lacking in those individuals who now attempt to silence me because I seem to pose a threat to their held world-view.



Interestingly, the following Australians all topped that proverbial three score and ten years by another decade at least, and remained mentally alert until they passed on.

**Sir James Darling** was an educator who practised what he preached; **Sir Edward Barber** was a practising legal eagle whose sense of justice and compassion benefited many individuals. It was Sir Edward who managed to get a small settlement for the then widow of former University of Tasmania philosophy lecturer, S S Orr; **Sir Douglas Wright** was a man whose moral and intellectual integrity remained in-tact.

When in September 1990, *The University of Melbourne Gazette*, celebrated its own Sir Douglas, I wrote the following:

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***In 1961 Sir Douglas Wright wrote a Prologue to the disturbing W H C Eddy book Orr. This Prologue has provided many victims of conspiracies with much-needed moral support because it offers a succinct analysis of this subtle elimination process.***

***Sir Douglas identified its elements thus:***

- 1. Defame the victim's professional competence, mental balance, truthfulness, etc.***
- 2. Reward collaborators from the victim's group.***
- 3. Weld together the pack of prosecutors.***
- 4. Proclaim authority of the corporation.***
- 5. Spread defamation through the victim's personal links and loyalties.***
- 6. Isolate the victim by giving him the silent treatment.***
- 7. Usually this leads to the victim's resignation which is taken as proof of guilt. Dismissal occurs if the victim refuses to resign.***
- 8. A strong victim highlights the moral standards of society.***
- 9. People in authority perpetuate their own types because no one wishes to be shamed by his successor.***
- 10. Employees are as courageous as their security of livelihood and reputation permits.***
- 11. A governing body of an institution devoted to truth and justice is corrupt if it obstructs enquiry into its stewardship.***

*Sir Douglas concluded his analysis with a timeless warning:*

***'Such state of affairs is the antithesis of democratic processes and places the society in imminent danger.'***

***It is in this sense that I personally ask: Where are our present-day Wrights?"***

\*\*\*

When I reflect on the legal process that gave rise to the 17 September 2002 Federal Court of Australia judgment, then it is clear to me that there is a great dearth of 'Wrights' within the legal profession, and elsewhere within our community. Mention the 'Holocaust' and individuals go to seed. Some years ago, Australia's grand-daddy of Revisionism, lawyer John Bennett, walked along a Melbourne street and a QC, later to become a judge, came towards him and spat on the ground before Bennett's feet.

[Notice that we have deleted the judge's name for the sake of avoiding legal action. But anyone wishing to know the name, is welcomed to ask.]

Only recently, the fellow who operates [www.crikey.com.au/](http://www.crikey.com.au/) was quite pleased to run an add for John Bennett's *Your Rights*, a valuable legal primer that has passed the 20th edition mark. Admittedly, Bennett paid for this service, but was surprised that an offer came his way that the add would be run twice more without charge.

Then suddenly, it all stopped. The gentleman operating the website didn't want to know Bennett anymore. He had received emails that defamed Bennett with the usual shut-up words: 'hater', 'Holocaust denier', 'antisemite', 'racist', 'neo-Nazi'.

Here we have another example of a man who bends to the Zionist pressure without exercising his moral and intellectual integrity to the full.

Yet, in all fairness to those who do bend, as Professor Robert Faurisson pointed out to me, imagine the pressure under which our public figures are to tow the line on this 'Holocaust' nonsense.

I have now begun to talk about the heap of feces that has been placed in my lounge and that I have been poking a stick at these past nine years, failing to dislodge it.

Recently workmen broke into my home and put this heap of feces in a wooden box, then nailed this box firmly to the floor. There is now a notice on the box that says I must never touch the box, let alone attempt to remove it.

I think I have to move house!

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**From the Archive – Newsletter No 181, December 2002.**

Some time ago mention was made of Fredrick Toben's comment about 'Tony and I go back a long way', i.e. Tony Abbott's association with Toben; this reference is also to Ronald Conway whom they both called a friend!

## **Democracy: A Revisionist View**

**Ronald Conway, AO**

"Democracy never lasts long. It wastes, exhausts and murders itself. There never was a democracy that did not commit suicide." It is strange to note that this comment was made by John Adams, second President of the United States and a signatory to the Declaration of Independence. His colleagues James Madison and Alexander Hamilton held similar views; there were few professed democrats in the first US Congress.

In the absence of belief in a supreme deity or a royal authority sometimes transcending mere human aspiration, 'democracy' has become the global god-term of the past half-century. It is now invoked impartially to scold or inspire by every cub journalist, radio hack or hectic undergraduate who has little understanding of its tendentious complexity. After the totalitarian rigours of the Second World War, democracy (or more accurately, representative majority government) quickly assumed the status of a religion under the United Nations Charter. Yet, across twenty-one centuries, Plato would have agreed with John Adams' Enlightenment opinion. He would have added as a concession that democracy might possibly have substance when most citizens are sufficiently virtuous and well-informed to make it work.

True democracy has never existed in the world, not even in Periclean Athens, where a small privileged citizenry boasted an enlightened equality while supported by a slave class of several thousands. On a planet with large national states and mass populations, it is difficult enough to maintain even a satisfactory representative majority government. Even in a small suburban committee, the inflexible zealot, the resourceful opportunist and the passive collaborator are never really equal in judgment or influence. The fundamental flaw in democracy lies in the eighteenth-century notion of the natural (as distinct from spiritual) equality of persons — a dogma that science does not confirm and the founder of Christianity never taught. One may become equal under law and in opportunity for endeavour, but nature decrees that it is human variety that has the last word — a fact which the totalitarians of right and left have always striven to ignore.

With few exceptions such as Iceland or the Swiss Confederation, true representative government as we know it is little more than two centuries old. Today, several world bodies such as the US Congress nod to the Franco-American model of government originally inspired by British philosophers like Locke, who were still canny enough not to advocate the abandonment of aristocracy and another royal decapitation in its service. As Iris Murdoch observed, social scepticism is what preserved British constitutional monarchy, parliamentary forms and class lines for so long. Tony Blair notwithstanding, it comes from a healthy awareness of the shortcomings of a whole politicised view of human relationships.

Fundamental to the modern vision of democracy has been the notion of human equality, a corruption made principally by the simplification of Jean Jacques Rousseau in *The Social Contract*, by inverting the much older Christian concept that all souls are equal in the sight of God. It is important to note the twist given to this by Thomas Jefferson, as author of the American Declaration of Independence: "We hold these truths to be self-evident" — that all men are created equal, that they are endowed by their Creator with certain

unalienable rights, that among these are life, liberty and the pursuit of happiness.

This preamble, though it be noble fantasy at most, is recited every Fourth of July by patriotic Americans. The sheer tenacity of belief in it, rather than fact, has sustained a form of representative government for over two centuries. Yet even Jefferson himself had belated cause to "tremble" over a franchise that did not extend to slaves, nor for that matter in any original sense to women or those without property. As for "the pursuit of happiness", this is an obsessive, unattainable subjectivity that balances Western individualism uneasily against a social contract.

The first American colonies celebrated freedom by substituting elected bourgeois assemblies for an hereditary monarchy and vested former aristocratic powers in an elected senate and president. It was really to take the Civil War of 1861-65 to consolidate the present style of American representative government. This embraced an extraordinary tension between an almost excessively detailed civil liberties and forms of corporate economic despotism which, to this day, actually works against equality in terms of social potency. Wealth as much as worth determines who shall fill key political posts in what has become an alternative elected oligarchy.

The so-called American Revolution of 1776 was a comparatively conventional conflict when compared with the violent French Revolution which shortly followed it. As Luigi Barzini pointed out in his essay 'The Quarrelsome French' in *The Europeans*, French cultural splendour and French politics have mostly been things apart. Following the perfidious links forged by France against Christians with Islam in the sixteenth century up to the modern exhaustion of the Third Republic under Daladier which made matters so easy for the Nazi invaders, the French have had a notion of themselves as the 'middle kingdom' of Europe. This has helped them to ignore the fact that the Revolution of 1789-95 produced falsehoods and atrocities barely less infamous than those of Hitler.

The massacre of the royalist seigneurs and paysans of Vendée and the western provinces in the service of the Tricolor could easily match the Nazi destruction of Warsaw. Not even children — indeed mere infants — were spared. As Carrier, Commissioner of the Revolutionary Convention announced: "We would rather make France into a burial ground than renounce ruling it in the way we think best." Not long before, Marat had assured the Assembly (from whence we were to derive the term 'Right' and 'Left'): "The State will not be improved until 800 trees in the Tuileries Garden have been formed into gallows."

Thanks to the pre-revolutionary venom of the pamphleteers, it took until recently for the last French Bourbons to be partly rehabilitated from the caricature of being heartless, incompetent oppressors of the masses. Meanwhile, the imposing tomb of Napoleon in the Invalides celebrates not only several civil reforms, but ephemeral military conquest which led to the death or misery of several millions. The armed Bonapartist solution to the chaos of the Convention and the intrigues of the Directory ultimately produced larger liberties than the ancien régime and more useful gestures towards legal equality. Yet, as Isaiah Berlin has pointed out, there was precious little 'fraternity' or decency involved. France has since thrown up three



monarchies and five republics to produce a workable version of representative government under a powerful presidency. Those who still romanticise popular uprising might read Simon Schama's recent brilliant anatomy of the French Revolution, *Citizens*.

This brings us to the politics of what is regarded as democracy in our time. The truth about the 'free world', by contrast to authoritarian or totalitarian regimes, is that it consists of representative government elected by all responsible adult citizens at intervals varying between three and ten years. 'The people' do not rule; their elected representatives actually do so, and with widely varying degrees of potency, efficiency, honesty or corruptibility. Elected rulers also owe all manner of costly debts to those party machines and organisations that helped to commend them to the people. Hence, ordinary people have no guarantee whatever that those parliamentary representatives to whom they have limited direct access will (or even could) reflect their current needs and desires.

In every government that styles itself a democracy, representatives are divided between the quadruple demands of self-interest, the interests of a party, the interests of the nation as a whole, and, not least if they hold a cabinet post, the interests of the permanent state bureaucracy of which they are temporarily in charge. In a modern state with huge electorates, a political leader is responsible to vastly more than his or her own constituents. Moreover, the bureaucracies to whom he or she dictates policy (and which deeply influences him or her in return) tend to be individually responsible in theory, but collectively to no one. Voters have virtually no day-to-day influence over the conduct of the state.

In Australia, the press and audiovisual media continually keep alive the notion of 'democracy' as a kind of civil theology by platitude, by a confused assumption between what it currently is and what it ideally might be. Some years ago it was seriously suggested in the *Bulletin* that the mediocre manoeuvres of party rule should be replaced by a parliament of distinguished Australians from all walks of life. Surely a parliament composed of such luminaries as Gustav Nossal, Malcolm Fraser, Kerry Packer, Kieren Perkins or Bob Ellis, Phillip Adams or John Laws would be an improvement? Alas, such an assembly would create problems in even reaching agreement about where to locate the parliamentary toilets. Legislation can only be wrought effectively by a sufficient number of parliamentarians of like mind.

The Australian political scene increasingly reflects public disillusionment with the major parties. Dissenters appear to believe that electing independent candidates or folk from minor parties will somehow send a stern message to machine politicians. Few local voters know or remember that the increasing chaos of independent constituencies in France destroyed the Fourth Republic and ushered in a far more restrictive constitution under Charles de Gaulle. As for Italy, shifting balance of (splinter) power still bear more resemblance to a comic opera by Rossini than an effective democratic process.

The Greiner coalition government in New South Wales was put out of office due to scruples held by a couple of power-balance-holding independent members which should not have normally given distress to a maiden aunt. In Queensland and Victoria the same outlook has often paved the way to a near minority government,

barely educated for its task. Independent seat-holders are also more likely to ride local hobbyhorses than to have broad national concerns, thus keeping some governments in office that might be better in opposition.

Australian politics point to the inherent quandaries of government in which 'one-person-one-vote' in unequally settled territories repeatedly creates dilemmas about who should rule. Half of the voting population is not so much disenfranchised by this phenomenon as disempowered. This was never more farcically illustrated than by knife-edge Bush-Gore contest for the US presidency.

Finally, there are those populist hymns to 'democracy' (usually coupled with republicanism) which exploit Abraham Lincoln's famous Gettysburg Address. This has long been available to every modern phony who wants to ride on the coat-tails of that great leader's wartime panegyric. In both world wars we were urged to fight "to make the world safe for democracy". Thanks to the priggeries of Woodrow Wilson and the vindictiveness of Clemenceau and 'the Balkanisers', the Versailles and Trianon treaties virtually ensured that quite functional imperial confederations such as Austria-Hungary were broken up and spurious and unstable nation-states like 'Yugoslavia' and 'Czechoslovakia' put in their place.

Victory in the Second World War was hailed as proof of the inherent virtues of democracy. In truth, the Allies triumphed over the Axis powers by a sheer weight of industrial production and massive use of manpower. Meanwhile, a valid parallel between the horrors of Nazism and the cold malevolence of our wartime ally, Joseph Stalin, makes the case for democratic sanctity hard to sustain. War inevitably makes for more dangerous political sophistry than any other human folly. Its most toxic weapon is the half-truth, never more problematic than in the phantom pursuit of terrorists themselves claiming divine sanction.

Subsequent to all notions of democratic rule, even in our own century-old federal constitution, comes the final consideration of the role of organised pressure groups and the propaganda through advertising on radio, television, newspapers, magazines and the advocacy of half-educated pop stars from music and film. In Australia, pockets of the mass media lately constituted a more bitter political opposition to the Howard government than did the Labor Opposition.

When Lincoln faced Stephen Douglas in Springfield, Illinois, during the US presidential election campaign of 1860, the debate lasted four hours! Spectators were quite well-informed on the issues and participated with gusto. Today the electorate functions largely on sound bites, clichés, promises and anxiety-evoking warnings. Politicians have always resorted to similar devices, but only over the past two generations have professional opinion-makers so dominated access to millions of minds by means of technology. Here appeals to self-interest and scare-mongering have become overwhelming tactics in dealing with the electorate.

At least half of all voters have far less interest in who governs them than in their favoured football team. Their defiant ignorance of the national welfare borders sometimes upon the psychopathic. Which comes back to Plato's warning that universal suffrage depends for its success upon the intelligent attentiveness and virtue of those who enjoy it. In Australia, compulsory voting

makes the problem even more troubling by ensuring that both the conscientious citizen and the apathetic voter are forced to the polls regardless of personal fitness or concern.

Readers may be tempted to dismiss such reflections as a reactionary tirade against popular government. On the contrary, they are intended more as a warning to the constituency where glib politico-economic declarations have supplanted religious faith or codes of higher ethics, where citizens are subjected daily to aggressive minority groups who confuse traditional authority with power (and empowerment), and where civic responsibilities are consistently undermined in the face of shrill demands for rights. Like many Western populations that have developed an acceptable model of political representation, Australians have become indifferent about the failings of a public process which features forms of lying, self-fabrication and destructive envy, all sheltering under the abstract facade of Karl Popper's 'open society' — an entity more the product of postwar wish-fulfillment than reality.

Thanks to fables churned out by Hollywood and the enfeebled historical literacy of students, representative majority rule has been hailed as the only thinkable form of government for civilised people. While I for one would prefer such as model to remain among us, authoritarian interludes can have temporary advantages in time of incompetence or chaos.

One need only cite the case of Africa, where almost the only states promising long-term stability, Egypt and South Africa, are those who have outgrown the tribal despotisms of the pre-colonial era. It is clear that superimposed European nation-state models have not taken effective hold in that unhappy continent. Those who piously lament the passing of the tribes due to alleged and actual injustices of the former colonial powers conveniently overlook the prior incidence of indigenous cannibalism, rule by witchcraft, the murder of relatives and rivals and the selling of people as slaves by their tribal rulers. One should recall also the ceaseless petty tribal annihilations which, though small by Western standards, kept much of black Africa economically backward. One does not have to endorse white adventurers like Cecil Rhodes to note that life in tribal African societies was no demi-paradise.

There is also no particular equation between the richness of a national culture and its form of government. Some of the greatest of the fine arts were produced for princely or noble patrons. The French Second Empire, late Tsarist Russia and Hapsburg Austria patronised some of the finest and most creative minds in Europe. This is a phenomenon not often seen under idealised tyrannies such as those of Nazi Germany, Soviet Russia and Marxist China — or for that matter, under several Western representative governments where crude entrepreneurial ambition rather than agreed excellence often perverts the role of the artistic patron.

Trash as much as treasure can now be the concern of market dominated states where populist addictions prove more profitable than any quest for beauty and truth. Indeed, wherever 'elitism' is heard as an intellectual swearword one can be fairly sure that the debasement or confusion of public taste follows close behind. With or without the internet, mass culture, with its inevitable 'dumbing-down', is barely culture at all, but mere 'infotainment'.

Not the least of the structures of the modern state (or perhaps a cabal of what were once autonomous states) is the permanent administrative bureaucracy. This is invariably presided over by experts who tend to become more expert as technical information proliferates and whose motivation for saying yea or nay to the fluctuation membership of a party government becomes increasingly impenetrable. Despite the strident demands of the mass

media 'to know', such expert bureaucrats still practise daily 'closures' over what society may enjoy, produce or even be permitted to comprehend.

Thus, the question of who shall be allowed access to certain potent drugs and under what circumstances becomes a matter for 'closed' expert decision and not for citizens to vote about. Given the complexities of pharmacology, there is justification for this caveat. On the other hand, a free vote in most Western nations on the question of whether capital punishment shall be permitted in certain cases of cruel, premeditated torture or murder would be in the affirmative. Yet, the privileged entities of the bureaucracy and their supposedly expert advisers, lawyers and criminologists, recite the familiar mantra of 'no deterrent'. This is about a broad statistical average having no valid bearing on specific case A as against specific case B. On this issue there is no chance that citizens will be consulted anyway. Against such 'closures' it matters little whether we are dealing with an authoritarian government in Paraguay or a representative one in Australia; the issue is likely to be determined by a minority contemptuous of an open society where factional manoeuvres regularly mock the very idea of democracy.

As Jacques Barzun, the great French-American historian and critic, now aged in his nineties, has tellingly noted, contemporary societies like ours have largely bypassed democracy, even if it were actually attainable. In an age where the brilliance of modern technology arguably masks the crumbling of Western high culture, it is mere antic passing fashions and facades and socially condoned tackiness which take the place of serious citizenship. This marks the age of the demotic. Let Barzun in his recent book *From Dawn to Decadence* elaborate something of the demotic style as it has functioned since about 1980:

the overriding taste is for the unconditional life ... but the unconditional is something different from enjoying rights and decent treatment from one's fellows. It is to act as if nothing stood in the way of every wish. Such an attitude expects no rebuffs and overlooks those it provokes. When the longing for then limitless arises in a sophisticated mind it may be called Faustian ... but in the ordinary soul the urge is for (ceaseless) small satisfactions ... The demotic style is The Unfitting ... Clothing is only the more obvious sign of the demotic style. Other choices express the same taste, for example getting married underground in a subway station, or around a pool in swimming suits ... And since unfitness means freedom, other conventions should be defied, notably those classed as manners ... Business firms and airlines thank their customers effusively, but civility between persons is scant, especially in cities ... It would seem that emancipation is attainable from everything except one's peers.

How applicable to Australians today this sounds! Those who read Barzun thoughtfully will perhaps recognise a

society composed of too many emotional and cultural naifs. Consider the two 'walks' for Aboriginal Reconciliation in late 1999 across Sydney Harbour Bridge and in the streets of Melbourne. Hailed as an endorsement by the people of almost anything which might improve black and white relationships, there was no evidence that for most of the half-aware walkers there was much else on their mind but a fuzzy togetherness and a well-intentioned but poorly comprehended gesture of goodwill on a sunny day.

The exercise of the political franchise properly requires sufficient reflection on public issues and upon the credibility of the evidence underpinning one's choice. Representative government is not for impulsive children or dishevelled autists, but for those adults who accept its conventions and limitations and try to guard them against arrogance and trespass.

If we could possibly agree to moderate so much cant about 'democracy' for the noble abstraction it has always been, it might be possible to search for the missing element in today's increasingly contaminated political culture — authority. The distinction between authority and power seems to have been lost, and I rarely encounter a tertiary undergraduate who seems to appreciate its importance. Power does indeed grow out of the barrel of a gun, as Mao once claimed, but authority derives from charisma, the symbolic, the transcendent. We can mourn for those who perish for the ends of power but rightly erect monuments for those who make sacrifices for an authority which calls humankind to its better nature.

Religion, for all its own periodic excesses, used to fulfil that function in the West but, alas, rarely does today. Sir Robert Filmer, the little-known contemporary of John Locke, reasoned three centuries ago that authority, not commonality, is what binds a community and must exist alongside it if people are not to decline into a capricious rabble. Well-established and respected

authority extends to a whole people despite pockets of resistance, whereas elective majority rule without authority is merely that.

Until an acceptable authority is found and sufficiently honoured to extend its influence over the governors no less than the governed, social crisis — inherent in majority rule and hardly helped by the bogus rhetoric of populism — will grow. Ultimately any crisis of government derives from a crisis of culture as a whole.

We may be compelled at the threshold of another millennium to acknowledge that we are not likely to meet every social and environmental desire based upon mere demotic appetites — even by means of bureaucracies and the spending of unlimited public money. A society which tolerates no limitations and accepts no personal consequences becomes ultimately ungovernable. This is warning for Australia, where half of the electorate cannot see the incompatibility of fostering a self-justifying individualism and populist fraternity at the same time. Here, equality is too often confused with uniformity and what is thought to be 'exciting' or innovative is too often revered above traditional human ideals such as love, honour and fidelity.

The discipline of larger political parties at least ensures that there is always a hegemonic group which effectively holds the rudder of state. The alternative to this is not the cosy, comradely little agora of the ancient Athenians but streets filled with thousands shouting in favour of contradictory wishes and guided by neither agreed ethics nor law. The dream of true democracy has been so often the mother of discontent. It looks to the state or the corporation to maintain an ethical stability which can only be based upon mutual respect in families and between individuals. The paradox is that the most effective statesman is he (or she) who rejects all politics as an enduring solution in human affairs.

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From Newsletter No 179, November 202

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## Toben and free speech

By Antonia Feitz, *The News Report*, Issue 590. From: [Neil Baird](#), Sent: Monday, September 23, 2002 5:18 AM

After the Federal Court ordered Frederick Toben to remove material questioning the veracity of the holocaust from his website, Jeremy Jones - president of the Executive Council of Australian Jewry who instigated the legal action against Toben - illogically said Toben's material did not stand up to any examination (*SMH*, 18/9/02).

Come again?

**If Toben's material doesn't stand up to any examination reasonable people might well ask why did the Executive Council of Australian Jewry worry about it to the extent of pursuing Frederick Toben through the courts?**

Why not let people judge Toben's material for themselves? Does Mr Jones think the majority of Australians are halfwits, incapable of evaluating the evidence?

The court's decision is a blow to free speech everywhere, not just in Australia. Why? Because according to Jones, the decision has provided a "useful precedent" and has "international implications" for the internet.

**It's interesting that Jewish organisations have been at the vanguard of suppressing free speech in Australia. It was the *Australia-Israel Review* who published that notorious list of One Nation supporters under the heading, "Gotcha!" - a grossly intimidatory act if ever there was one.**

It was the B'nai B'rith Anti-Defamation Commission along with Community Aid Abroad who attempted to set up the vigilante RaceWatch campaign to encourage Australians to monitor the utterances of candidates and parties - ie One Nation - for a 'racism' which ludicrously even included the belief that migrants should assimilate into the wider community.

**RaceWatch was a fizzer. Former Finance Minister Peter Walsh tartly questioned whether B'nai B'rith's "attention might be more appropriately directed to the Israeli Government's immigration policy and practice."**

The level of hysteria that was whipped up in Australia over One Nation's 'racism' now seems embarrassing. A few years down the track most influential commentators admitted that One Nation wasn't racist



but appealed to people whose legitimate concerns and grievances neither of the major parties would address. Even one of the Australian's greatest Hansonophobes - Greg Sheridan - finally admitted that the 1998 federal election had really been about globalisation, not race. How hypocritical that while the B'nai B'rith Anti-Defamation Commission's Executive Director was proclaiming that RaceWatch would prevent candidates from playing the race card, simultaneously newspapers played it for all it was worth demonising One Nation as 'racist'. Worked like a charm too.

The Anti-Defamation Commission and B'nai B'rith also led the charge for the Victoria's unwanted Racial and Religious Tolerance Bill even though the Victorian Government was swamped with over 5500 public submissions, the overwhelming majority of which were opposed to the bill.

The opposition covered a wide range of issues:-

- \* the lack of any good reason for the bill
- \*the threat to free speech
- \*the threat to missionary activity
- \*the subjectivity of the bill (if a person "feels" offended ...)
- \* the fact that a third party could make a complaint
- \*the refusal to consider motives
- \*the refusal to allow truth as a defence
- \*the draconian criminal penalties including fines and gaol sentences
- \*the threat to freedom of association.

The Anti-Defamation Commission and B'nai B'rith freely admitted that peaceful groups such as the Australian League of Rights are in their sights as needing attention.

**Clearly these laws aren't really about protecting rights but harassing and silencing people.**

## Hatred Online

Dr William Jonas

Your editorial about race hate on the net (19/9) misses the point.

The Federal Court ruling to remove offensive racist material from a Holocaust denial website is an action taken under existing law, which makes publication of race hate material unlawful. What is new about this case is that it confirms the law applies to websites (in addition to radio, TV and print media).

Both sides of parliament supported the 1995 amendments to the Racial Discrimination Act to stop racial vilification, deciding that this law is necessary to protect citizens from harm. Unfettered freedom of speech does not exist and never has existed.

Restrictions on the freedom of speech are necessary in public life to protect the rights and freedoms of others. Examples include the law on defamation, the restriction of pornography, restrictions to protect national security and copyright law. The harm caused by racial vilification has also rightly been judged to require restrictions.

In this particular case, Fredrick Toben was given the opportunity to argue defences, including that his website published fair and accurate reports on matters of public interest; or were academic publications, made reasonably and in good faith. But he did not do so, as is clear to anyone who reads the transcript of the decision.

And finally, the reference to your columnist being investigated for alleged racial vilification of Americans failed to mention that the Human Rights and Equal Opportunity Commission looked into the complaint and found it was lacking in substance.

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### Fredrick Töben replies

When I met Dr Jonas at the 'Hate on the Internet' seminar in Sydney a couple of years ago, he seemed to understand my point-of-view, that if someone talks about someone in his absence, then in serious matters (beyond gossip) a person thus talked about should, be given a right-of-reply.

The Federal Court judgment has taken this right from me by permitting individuals who espouse a certain 'Holocaust' storyline, to get away with spreading the most horrible libel placed on Germans, namely that they systematically exterminated 6 million Jews, mainly in homicidal gas chambers at Auschwitz.

This libel was never tested in the Federal Court. What was tested was whether someone, under the guise of a hurt feeling, was permitted to repeat such a libel. The Federal Court found that it is quite in order to do this because, as Justice Branson stated in her judgment, it was not up to her to prove the truthfulness or otherwise of the assertion.

There is a raging debate about the 'Holocaust-Shoah'- and to silence one significant view-point on this issue is morally and intellectually unjust because balance in the debate has now been lost. I have been gagged from presenting a view on this matter that is fatal to the whole 'Holocaust' story. As this story is significant in the upholding of the Zionist-apartheid-racist State of Israel, little wonder that critics need to be silenced.

Adelaide student, Anthony Long, has an anti-Revisionist website that advocates the traditional view-point on matters 'Holocaust' [www.williscarto.com](http://www.williscarto.com)

However, as the 'Jews' are not a race, nor an ethnically homogenous group, this historical 'Holocaust' issue should never have been placed before the Federal Court.

Pulling the race card to silence one's critics may work for a while, but then it will become apparent there is intellectual deceit involved.

Using the shut-up words, 'hater', 'Holocaust denier', 'antisemite', 'racist', 'neo-Nazi', does not solve the problem of understanding the period of history that has been called the 'Jewish Holocaust'.

Only an open enquiry will settle the dispute whether the Germans did or didn't gas millions of people. Stifling debate on the issue will only lead to a distortion of our understanding of what happened during World War II. Such distortions are not good for our moral and intellectual well-being.